

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EMMETT J. HARRIS, IV,)	No. C 11-5306 LHK (PR)
)	
Plaintiff,)	ORDER GRANTING MOTION
)	FOR EXTENSION OF TIME TO
v.)	FILE OPPOSITION; DENYING
)	MOTION FOR APPOINTMENT
)	OF COUNSEL
JUAN SIMENTAL, et al.,)	
)	
Defendants.)	
_____)	(Doc. Nos. 33, 34.)

Plaintiff filed a civil rights complaint under 42 U.S.C. § 1983. On January 12, 2012, the Court ordered service upon named Defendants. On January 25, 2013, Defendants filed a motion for summary judgment. (Doc. No. 21.) Plaintiff has filed a motion for an extension of time to file an opposition to Defendants' motion for summary judgment. (Doc. No. 33.) Plaintiff has also filed a motion for appointment of counsel. (Doc. No. 34.) Defendants have filed an opposition to Plaintiff's motion for an extension of time. (Doc. No. 35.)

In the interest of justice, Plaintiff's motion for an extension of time to file an opposition to Defendants' motion for summary judgement is **GRANTED**. Plaintiff shall file an opposition **no later than twenty-eight (28) days** from the filing date of this order. Defendants shall file their reply within **fourteen (14) days** thereafter.

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1 Plaintiff's motion for appointment of counsel is **DENIED** for want of exceptional
2 circumstances. *See Rand v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997); *see also Lassiter v.*
3 *Dep't of Social Services*, 452 U.S. 18, 25 (1981) (there is no constitutional right to counsel in a
4 civil case). The issues in this case are not particularly complex, and Plaintiff has thus far been
5 able to adequately present his claims. This denial is without prejudice to the Court's *sua sponte*
6 appointment of counsel at a future date should the circumstances of this case warrant such
7 appointment.

8 This order terminates docket numbers 33 and 34.

9 IT IS SO ORDERED.

10 DATED: 3/7/13


LUCY H. KOH
United States District Judge